



RESOLUTION NO. 2017-E-015

**RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA DECLARING AN AREA IN THE CITY OF  
INDIANAPOLIS, INDIANA AN ECONOMIC DEVELOPMENT AREA AND  
APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR THE  
ARDMORE ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), has investigated, studied and surveyed economic development within the consolidated city boundaries of the City of Indianapolis, County of Marion, Indiana (the "City");

WHEREAS, the Commission has selected an economic development area to be developed under Indiana Code 36-7-15.1, as amended (the "Act");

WHEREAS, the Commission has prepared an economic development plan (the "Plan") for the selected economic development area, which Plan is attached to and incorporated by reference in this resolution;

WHEREAS, the Commission has caused to be prepared:

(1) Maps and plats showing:

- (A) the boundaries of the area in which property would be acquired for, or otherwise affected by, the establishment of an economic development area;
- (B) the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the area, and any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the economic development area;
- (C) the parts of the area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan (as defined herein); and

(2) Lists of the owners of the various parcels of property proposed to be acquired;

(3) An estimate of the cost of acquisition, redevelopment and economic development.

WHEREAS, the Plan and supporting data were reviewed and considered by the Commission at this meeting;

WHEREAS, Section 26 of the Act permits the creation of “allocation areas” to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section;

WHEREAS, Sections 29 and 30 of the Act permit the creation of “economic development areas” and provides all of the rights, powers, privileges and immunities that may be exercised by this Commission in a redevelopment area or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION THAT:

1. The Commission has selected as an economic development area an area within the redevelopment district of the City, which area the Commission hereby designates as the “Ardmore Economic Development Area” (the “Area”), and which Area is described in Exhibit A attached hereto and incorporated herein by reference.

2. The Commission finds that the Plan for the Area:

- a. Promotes significant opportunities for the gainful employment of the citizens of the City;
- b. Attracts major new business enterprises to the City;
- c. Benefits the public health, safety, morals and welfare of the citizens of the City;
- d. Increases the economic well-being of the City and the State of Indiana; and
- e. Serves to protect and increase property values in the City and State of Indiana.

3. The Commission finds that the Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under Indiana Code 36-7-15.1 because of:

- a. The lack of local public improvement necessary to achieve the level of quality of development described in the Plan;
- b. Existence of improvements or conditions that lower the value of the land below that of nearby land;
- c. Multiple ownership of land; and
- d. Other similar conditions, specifically, challenges resulting from existing private party easements and other land conditions.

4. The Commission finds that the accomplishment of the Plan will be of public utility and benefit as measured by:

- a. The attraction of construction and retention of permanent jobs;
- b. An increase in the property tax base;
- c. Improved diversity of the economic base; and
- d. Other similar benefits that specifically serve as a basis for making future public capital expenditures.

5. The Plan for the Area attached hereto as Exhibit B conforms to other development and redevelopment plans for the City.

6. The Commission estimates that the net cost of implementing the Plan will not exceed \$7,200,000, in the form of a developer purchased bond.

7. The Commission finds that no residents of the Area will be displaced by any project resulting from the Plan and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

8. In support of the findings and determinations set forth in Section 1 through 7 above, the Commission hereby adopts the specific findings set forth in the Plan.

9. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Area. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed, including notice by publication and to affected property owners and a public hearing.

10. The entire Area described in Exhibit A is hereby designated as an "allocation area" pursuant to Section 26 of the Act to be known as the "Ardmore Allocation Area" (herein, the "Ardmore Allocation Area") for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by Section 26 of the Act. Any taxes imposed under Indiana Code 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Ardmore Allocation Area shall be allocated and distributed in accordance with Section 26 of the Act as follows:

Except as otherwise provided in Section 26, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 26, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the Ardmore Allocation Area hereby designated as the "Ardmore-Allocation Fund" and may be used by the redevelopment district to do one or more of the things specified in Section 26(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of this Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 26(b)(4) of the Act.

The base assessment date for property in the Ardmore Allocation Area shall be January 1, 2017.

11. The provisions of this resolution shall be subject in all respects to the Act and any amendments hereto and the allocation provision herein relating to the Ardmore Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax

increment revenues derived in the Ardmore Allocation Area. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the Ardmore Allocation Area that would not have been generated but for the adoption of the allocation provision, as specifically evidenced by the findings set forth in Exhibit B hereto. The Commission shall notify the Indiana Department of Local Government Finance of the designation of the Area as an allocation area.

12. All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a redevelopment area or urban renewal area may be exercised by the Commission in the Area, subject to the limitations in Indiana Code 36-7-15.1-30.

13. The Commission shall cause to be prepared a statement disclosing the impact of the Ardmore Allocation Area, including the following:

A. The estimated economic benefit and costs incurred by the Ardmore Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and

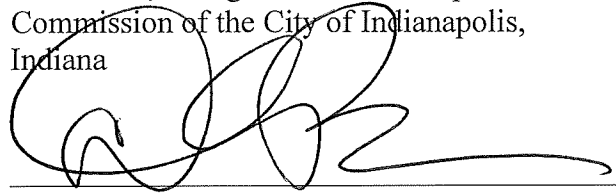
B. The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Ardmore Allocation Area. A copy of this statement shall be forwarded to each such taxing unit with a copy of the notice required under Section 10 of the Act at least ten (10) days before the date of the public hearing described in Section 15 of this resolution.

14. This resolution and the Plan shall be submitted to the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council") for its approval of the establishment of the Area as provided in the Act.

15. The Commission hereby directs the presiding officer of the Commission, after receipt of approval by the City-County Council, to publish notice of the adoption and substance of this resolution in accordance with Indiana Code 5-3-1-4 and to file notice with the office of the Commission, board of zoning appeals, works board, park board, and any other departments, bodies or officers of the City having to do with planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the City's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and will determine the public utility and benefit of the proposed project.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on May 3, 2017, at the City-County Building, 2<sup>nd</sup> floor, Public Assembly Room (Room 230), Indianapolis, Indiana

METROPOLITAN DEVELOPMENT  
COMMISSION OF MARION COUNTY,  
INDIANA, acting as the Redevelopment  
Commission of the City of Indianapolis,  
Indiana

A handwritten signature in black ink, appearing to read 'Dan Parker', written over a horizontal line.

Dan Parker, Chairperson

A handwritten signature in black ink, appearing to read 'Lena Hackett', written over a horizontal line.

Lena Hackett, Secretary

## **EXHIBIT A**

### **DESCRIPTION AND MAP OF ARDMORE ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA**

#### **Ardmore - Lot Consolidation Description**

Part of Lots Numbered 5 and 12 in Square 37 of the Donation Lands of the City of Indianapolis, Marion County, Indiana.

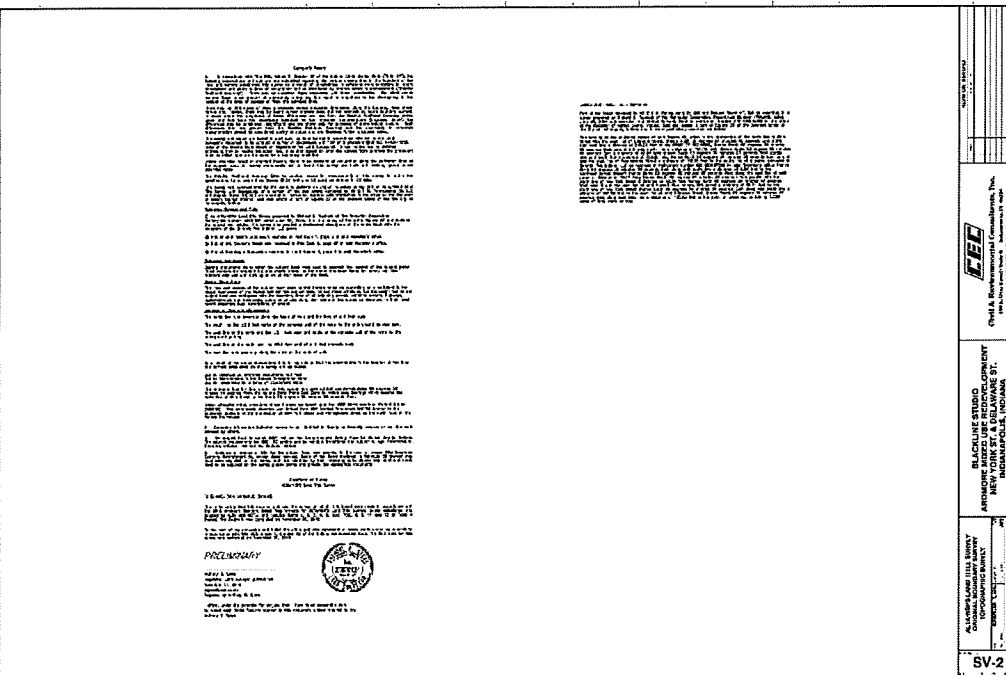
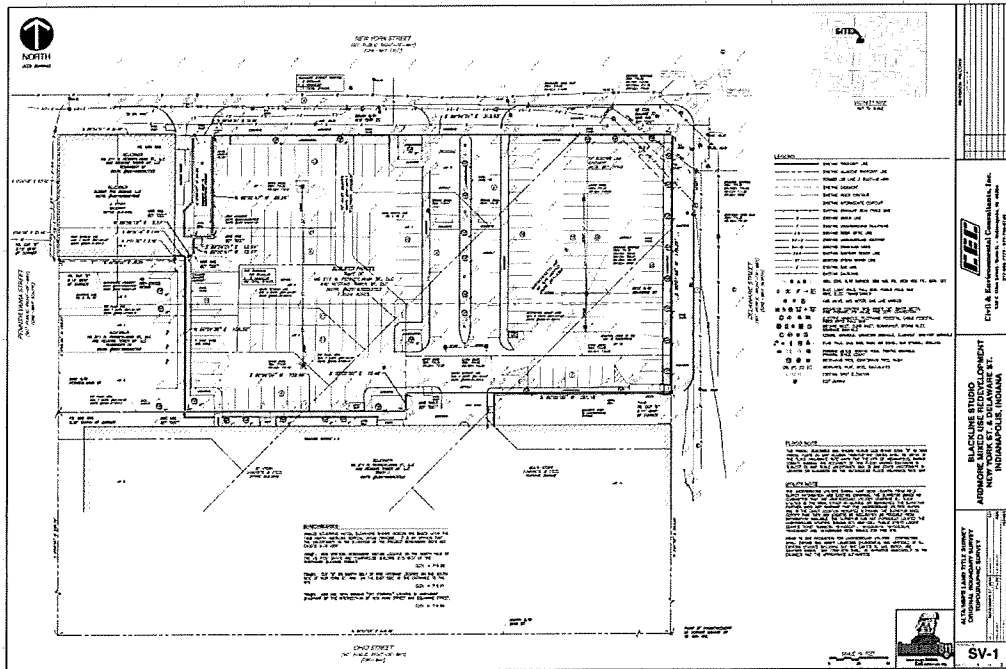
Also, Lots Numbered 3, 4 and part of Lot 1 in John Siter's Subdivision of original Lots 1, 2 and 3 in Square 37 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 1, Page 3 in the Office of the Recorder of Marion County, Indiana.

Also, Lots Numbered 1, 2, 4, 5 and part of Lot 1 in Joseph K. Sharpe's Subdivision of original Lot 4 in Square 37 of the Donation Lands of the City of Indianapolis and Lot 2 in John Siter's Subdivision of original Lots 1, 2 and 3 in Square 37 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 2, Page 87 in the office of the Recorder of Marion County, Indiana.

Also, part of Massachusetts Avenue heretofore vacated by proceedings under Declaratory Resolution No. D-66-37 as set out in a transcript recorded March 8, 1967 as Instrument No. 67-9362 in the Office of the Recorder of Marion County, Indiana.

Also, the first alley east of Pennsylvania Street heretofore vacated by proceedings under Declaratory Resolution No. 70-VAC-24 as set out in a transcript recorded July 18, 1973 as Instrument No. 73-45757 in the Office of the Recorder of Marion County, Indiana.

Commencing at the southeast corner of said Square 37, which is the intersection of the north line of Ohio Street with the west line of Delaware Street; thence North 00 degrees 01 minutes 48 seconds East (deed bearings) along said west line a distance of 243.20 feet to the POINT OF BEGINNING, thence South 90 degrees 00 minutes 00 seconds West parallel with said north line a distance of 181.18 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 12.45 feet; thence South 90 degrees 00 minutes 00 seconds West parallel with said north line a distance of 237.54 feet to the East Right-of-Way Line of Pennsylvania Street; thence North 00 degrees 04 minutes 36 seconds East along said east line a distance of 103.91 feet to the southwest corner of a parcel conveyed to Summit Five Indiana, LLC as recorded in Instrument Number A201000087892 in said Recorder's office; thence along the south line thereof the following three (3) courses; (1) North 90 degrees 00 minutes 00 seconds East a distance of 79.20 feet; (2) North 00 degrees 01 minutes 32 seconds East a distance of 2.58 feet; (3) North 89 degrees 56 minutes 19 seconds East a distance of 13.01 feet to the southeast corner of said parcel; thence North 00 degrees 00 minutes 47 seconds West along the east line of said parcel a distance of 12.47 feet; thence South 89 degrees 54 minutes 31 seconds East parallel with the south line of New York Street a distance of 12.64 feet; thence North 00 degrees 00 minutes 47 seconds West parallel with the east line of said Summit Five Indiana, LLC parcel a distance of 69.24 feet to the south line of New York Street; thence South 89 degrees 54 minutes 31 seconds East along said south line a distance of 313.83 feet to the west line of said Delaware Street; thence South 00 degrees 01 minutes 48 seconds West along said west line a distance of 175.25 feet to the Point of Beginning, containing 1.557 acres of land, more or less.



## **EXHIBIT B**

### **ECONOMIC DEVELOPMENT PLAN FOR THE ARDMORE ECONOMIC DEVELOPMENT AREA**



# **METROPOLITAN DEVELOPMENT COMMISSION OF MARION CITY, INDIANA**

## **ECONOMIC DEVELOPMENT PLAN FOR THE ARDMORE ECONOMIC DEVELOPMENT AREA**

### **Purpose and Introduction**

The Metropolitan Development Commission of Marion City, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission") proposes to designate and declare an economic development area within the City of Indianapolis, Indiana (the "City") to be known as the "Ardmore Economic Development Area" (the "Area"). This document is the plan for the Area (the "Plan"), provided that this Plan may be amended in the future as provided in Indiana Code 36-7-15.1, as amended from time to time (the "Act"), and in this Plan.

Pursuant to the Act, the Plan must be approved by the Commission and the City-City Council of the City of Indianapolis and of Marion City, Indiana (the "City-City Council"). Upon such approvals, the Commission will hold a public hearing on the Plan as required under Section 10 of the Act, before confirming (or modifying and confirming) the designation of the Area and the approval of the Plan.

The Commission also proposes that pursuant to the provisions of Section 26 of the Act, the Area shall constitute a tax increment financing "allocation area" for purposes of the Act. Such allocation area shall be designated as the "Ardmore Allocation Area" (hereinafter referred to as the "Allocation Area") for purposes of distribution and allocation of taxes on real property in the Allocation Area.

### **Project Objectives**

The purposes of the Plan are to benefit the public health, safety, morals and welfare of the citizens of the City, increase the economic well-being of the City and the State of Indiana, and serve to protect and increase property values in the City and the State of Indiana. The Plan is designed to promote significant opportunities for the gainful employment of citizens of the City, attract major new business enterprises to the City, retain and expand existing significant business enterprises in the City, provide for local public improvements in the Area, retain permanent jobs, and increase the property tax base.

### **Description of the Area**

The Area consists of and is located at the southwest corner of New York and Delaware streets in Indianapolis, Indiana. A description of the Area and a map of the Area with list of parcels within the Area are attached to this Plan as Exhibit A and Exhibit B respectively.

## **Project Description**

The project consists of the acquisition, construction, equipping and conversion of a highly-visible vacant surface parking lot into a five-story mixed used apartment building including approximately 19,550 square feet of urban street-front retail, a combination of 305 public and private parking spaces, and public art located at the Plaza on Pennsylvania Street, with a total estimated development cost of approximately \$39,700,000 (the "Project").

## **Acquisition List**

In connection with the accomplishment of the Plan, the Commission has no present plans to acquire any interests in real property. In the event the Commission determines to acquire interests in real property in the future, it shall follow procedures set forth in Section 12 of the Act. The Commission may not exercise the power of eminent domain in an economic development area.

## **Estimate of the Cost of Acquisition and Economic Development**

Because the Commission does not intend to acquire property for the Project, the Commission will not incur any costs of acquisition. However, the Commission will incur certain costs in connection with the development of the Project. The estimated cost of the Project to be supported by the Commission is \$7,200,000 to provide funding for the development of the Project.

## **Disposal of Property**

The Commission may dispose of any real property acquired in the future by sale or lease to the public pursuant to procedures set forth in Section 15 of the Act.

## **Statutory Findings**

The Plan for the Area meets the following required findings under Section 29(b) of the Act:

1. The Plan for the Area promotes significant opportunities for the gainful employment of the citizens of the City, attracts a major new business enterprise to the City, retains or expands a significant business enterprise existing in the City, or meets other purposes of Sections 28 and 30 of the Act.

Implementing the Plan and constructing the Project will attract an apartment property (with garage facilities) development, which will complement the downtown housing market by providing desirable housing to residents, and allow the City to better promote downtown Indianapolis as a livable and walkable community. Additionally, the investment creates economic development, job growth, and will increase the property tax base of the City, as well as sales,

individual income taxes and corporate taxes generated from the residents of the Project.

Based on the most recent Project information available, the estimated Assessed Value of the Project, provided by the Marion County Assessor's Office, is approximately \$34,400,000. The estimated annual Tax Revenue, calculated based on the Assessed Value and estimated property tax rates is approximately \$723,000 as calculated by Crowe Horwath LLP, as municipal advisers to the City.

The number of estimated construction jobs and permanent jobs is 90 and 18, respectively.

2. The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 28 and 30 of the Act because of a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.

The use of tax increment financing from the Allocation Area is necessary to construct the improvements that comprise the Project. The Project could not occur without the availability of tax increment revenues.

3. The public health and welfare will be benefited by accomplishment of the Plan for the Area.

Implementing the Plan and constructing the Project will attract a major new business enterprise to the City and create economic development, job growth, and will increase the tax base of the City. But for such development, the Area would continue to have a limited beneficial use and depressed assessed value and therefore provide little opportunity to create economic development and job growth.

4. The accomplishment of the Plan for the Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base, or other similar public benefits.

As noted above, the Project will bring new jobs to the City and will increase the tax base of the City. The Plan will improve the diversity of the economic base of the City and spur development in the Area.

5. The Plan for the Area conforms to other development and redevelopment plans for the City.

The Plan conforms to the goals of the other development and redevelopment plans for the City in that it is designed to enhance the economic well-being of the City and its citizens.

## **Financing of the Project**

It will be necessary to issue bonds to provide funds for financing costs and the construction of the Project in the Area. The Commission intends to pledge incremental *ad valorem* property taxes allocated under Indiana Code 36-7-15.1-26 to support the issuance of bonds, which may be issued by the Indianapolis Economic Development Commission (the "EDC") pursuant to Indiana Code 36-7-11.9 and Indiana Code 36-7-12. The bond issued will be purchased by the developer who will receive over the term of the bond payments derived from the pledge of incremental *ad valorem* property taxes, limited to 80% of the total new incremental property taxes, generated from the Project. The benefit of utilizing this developer-held bond structure is that the City is largely removed from the financial risk associated with development.

The amount of these bonds may not exceed the total, as estimated by the Commission or the EDC, of all expenses reasonably incurred in connection with the Project, including:

- (1) The total cost of all land, rights-of-way, and other property to be acquired and developed;
- (2) All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Project or the issuance of bonds;
- (3) Interest on the bonds and a debt service reserve for the bonds to the extent that the Commission determines that a reserve is reasonably required; and
- (4) Expenses that the Commission is required or permitted to pay under Indiana Code 36-7-15.1.

In the issuance of bonds, the Commission will comply with Indiana Code 36-7-15.1.

## **Amendment of the Plan**

This Plan may be amended by following the procedures described in Indiana Code 36-7-15.1-8 of the Act.

## EXHIBIT A

### LEGAL DESCRIPTION OF AREA

#### Ardmore - Lot Consolidation Description

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## EXHIBIT B

### PARCEL LISTING & MAP OF THE AREA WITHIN THE AREA

Parcel: 1090349 – Center Township

